

REMARKS

I. Status of the Claims

Claims 1-19, 21-69, and 71-99 are pending in the present application. Claim 51 has been amended to make even more clear that the composition comprises at least two ingredients: (1) a cosmetically acceptable medium comprising water and optionally at least one organic solvent, and (2) at least one fluorescent dye comprised in said medium. No new matter is added by this amendment.

II. Examiner Interview

Applicants thank the Examiner for the productive personal interview held with their representatives on June 21, 2007.

III. Allowable Subject Matter

Applicants thank the Examiner for indicating that claims 41-50, and 89-99 are allowed. In addition, Applicants thank the Examiner for indicating that claims 7-19, 21-40, 57-69, and 71-88 contain allowable subject matter. Applicants respectfully submit that as amended, all pending claims are in condition for timely allowance.

IV. Rejection Based on Double Patenting

The Examiner has rejected claims 1-6, and 51-56 on grounds of non-statutory double patenting in view of U.S. Patent Nos. 7,204,860; 7,195,651; 7,150,764; 7,192,454; 7,195,650; 7,198,650; 7,147,673; 7,186,278; and 7,208,018, and U.S. Applications Nos. 10/814,428; and 10/814,236. Applicants respectfully submit that the U.S. patents and U.S. patent applications listed above are, in fact, patentably distinct.

However, in order to advance prosecution but without acquiescing to the rejections made, Applicants file herewith, a terminal disclaimer over U.S. Patent Nos. 7,204,860; 7,195,651; 7,150,764; 7,192,454; 7,195,650; 7,198,650; 7,147,673; 7,186,278; and 7,208,018, and U.S. Applications Nos. 10/814,428; and 10/814,236. In view of the terminal disclaimer, the double patenting rejections have been overcome and should be withdrawn.

V. Rejection under 35 U.S.C. § 103(a)

The Examiner has rejected claims 51-56 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,256,458 to Degen et al. ("Degen"), for the reasons set forth in the January 25, 2007, Office Action. See Office Action at 5-6.

In the Office Action, the Examiner alleges that Degen "teaches a dyeing composition comprising a similar dye compound and wherein the compound is a readily water-soluble compound." Office Action at 6. However, Degen does not teach or suggest the presently claimed composition comprising, in addition to the recited dye compound, a cosmetically acceptable medium, wherein said medium is water and optionally an organic solvent. To the contrary, Degen neither teaches nor suggests a cosmetically acceptable medium, and in fact, all of the exemplified compositions in Degen contain piperidine and/or picoline—resulting in a medium that is not "cosmetically acceptable." As argued of record, piperidine and picoline are both characteristically flammable, known to be toxic, and severely irritating to the skin.

Accordingly, the Applicants respectfully request that the Examiner withdraw the obviousness rejection, and allow all pending claims.

VI. Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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By: 

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